



Catherine E. Heigel, Director
Promoting and protecting the health of the public and the environment

PUBLIC NOTICE

South Carolina Department of Health and Environmental Control
Bureau of Water
2600 Bull Street
Columbia, SC 29201

Public Notice No. SC GP 98-002 (Revised)

August 18, 2015

The South Carolina Department of Health and Environmental Control (SCDHEC) proposes to reissue with revisions a General Permit (GP) to authorize construction in Navigable Waters pursuant to R. 19-450. et seq., 1976 S.C. Code of Laws, as amended.

PERMITTEE: DHEC

WATERBODY: Navigable Waters in South Carolina

ACTIVITY: The GP would authorize construction of utility lines including, but not limited to phone, power, cable television, natural gas, and water and sewer, using directional boring under Navigable Waters of South Carolina subject to R. 19-450 and provided construction meets the conditions of the GP. The GP would also authorize aerial crossings for phone, power, cable television, and sewer lines over Navigable Waters provided construction meets the conditions of the GP. Other construction of any kind under or over Navigable Waters would not be authorized by the GP.

This public notice is being distributed to interested persons and agencies to gain comments that will aid the SCDHEC in making a final decision regarding the proposed reissuance of the revised GP. All comments and data in support or opposition should be submitted in writing to:

SC Department of Health and Environmental Control
Division of Water Quality
Attn: Rusty Wenerick
2600 Bull St
Columbia SC 29201

Comments will be received at the above address until C.O.B. on **September 18, 2015**.

Attachment: draft revised General Permit, 4 pages

General Permit No.: SC GP-98-002 (Revised)

Name of Applicant: SC Department of Health and Environmental Control

Effective Date:

Expiration Date:

South Carolina Department of Health and Environmental Control General Permit

A General Permit to perform work in or affecting the navigable waters of South Carolina, pursuant to regulations and procedures established under R. 19-450, et seq., Code of Laws of South Carolina, 1976, as amended, is hereby issued by the South Carolina Department of Health and Environmental Control (SCDHEC) to:

SC Department of Health and Environmental Control

To authorize the installation of utility lines by directional boring or aerial crossing by:

Public Utilities in STATEWIDE NAVIGABLE WATERS

This General Permit is subject to the following conditions:

I. General Conditions:

A. Structures authorized by this General Permit shall be utility lines including, but not limited to phone, power, cable television, natural gas, and water and sewer, using directional boring under navigable waters of South Carolina subject to R. 19-450 and conforming to the standards contained herein. This General Permit also authorizes aerial crossings for phone, power, cable television, and sewer lines over navigable waters of South Carolina subject to R. 19-450 and conforming to the standards contained herein. Other construction of any kind under or over navigable waters of South Carolina is not authorized by this document.

B. The activity identified and authorized herein shall be consistent with the terms and conditions of this permit; and any variance or activity not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension, or revocation of this permit, and in the institution of such legal proceedings as the SCDHEC may consider appropriate.

C. The permittee must make every reasonable effort to prosecute the work authorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife, and natural environmental values or historic or prehistoric values.

D. The permittee must prosecute the work authorized herein in a manner so as to minimize any degradation of water quality.

E. The permittee shall permit State law enforcement personnel, representatives of the SCDHEC, or other authorized State permit inspectors to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

F. The permittee shall maintain structures authorized herein in good condition.

G. This General Permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or Local laws or regulations nor does it obviate the requirement to comply with any applicable standards required by ordinance for the placement of structures authorized herein. Other appropriate governmental authorities are not limited by this document and may impose more stringent requirements than those stated herein as deemed appropriate.

H. This General Permit may be either modified, suspended, or revoked in whole or in part if the SCDHEC determines that such action would serve the public interest, and such modification, suspension, or revocation shall not be an act entitling the permittee to compensation for any claimed loss as a consequence of such regulatory action, under any circumstances, this permit being issued solely as an accommodation to the permittee, and being revocable as conditions may warrant.

I. No attempt shall be made by the permittee to prevent full and free use by the public of all navigable waters adjacent to the activity authorized by this permit.

J. If the permittee permits a structure to fall into a state of disrepair such that it no longer conforms to the conditions of this permit, they may be required to remove the structure.

K. The existence or use of structures authorized herein shall not block or obstruct navigation or the flow of any waters.

L. The permittee shall not hold the SCDHEC liable for any damage to a permitted structure.

M. The permittee upon receipt of a notice from the SCDHEC of failure to comply with the terms, conditions, or standards of this General Permit shall, immediately and in such manner as the SCDHEC may direct, effect compliance with terms, conditions, and standards or remove the structure(s) from the affected Navigable Waters of South Carolina.

N. This General Permit is a revocable privilege and if changed circumstances warrant, the SCDHEC may revoke such privilege and require removal of a structure at the expense of the permittee.

II. **Special Conditions:**

A. No spoil, dredged material, or any other fill material shall be placed below the mean high water or ordinary high water elevation.

B. For all directionally bored crossings, access and exit excavations must take place entirely on high ground. No excavation or filling in wetlands is permitted.

C. Prior to the work beginning, a silt fence, silt barrier or other suitable sediment control device must be placed between the construction area and the affected wetland or waterway. This device must be kept in a functioning capacity until the area is stabilized.

D. All necessary measures must be taken to prevent oil, tar, trash, debris, and other pollutants from entering the adjacent waters or wetlands.

E. Once the project is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to the environment.

F. Upon completion of construction activities, all disturbed areas must be permanently stabilized with a vegetative cover.

G. All directionally bored crossings must have a minimum cover of 42". A variance may be granted for good cause shown. Crossings of the Atlantic Intracoastal Waterway must maintain an elevation of -25.0' mean low water.

H. The Permittee must notify the South Carolina Institute of Archaeology and Anthropology (Mr. Jim Spirek 803 576-6566) in accordance with South Carolina Underwater Antiquities Act of 1991 (Article 5, Chapter 7, Title 54 Code of Laws of South Carolina, 1976) in the event archaeological or paleontological remains are found during the course of work. Archaeological remains consist of any materials made or altered by man which remain from past historic or prehistoric times (i.e., older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures, or nonrecent (i.e., older than 100 years) vessel ruins. Paleontological remains consist of old animal remains, original or fossilized, such as teeth, tusks, bone, or entire skeletons.

I. The permittee must notify the South Carolina Department of Archives and History (Ms. Caroline Wilson 803 896-6169, Historic Preservation Division, 8301 Parklane Road, Columbia, South Carolina 29223) if any archaeological materials are encountered during the course of the work. Archaeological materials consists of any items, fifty years or older, which were made or used by man. These items include, but are not limited to stone projectile points (arrowheads), ceramic shards, bricks, worked wood, bone and stone, metal and glass objects, and human skeleton remains. These materials may be present on the ground surface and/or under the surface of the ground.

III. **Required Authorization:**

Each applicant must complete and submit to SCDHEC a Construction in Navigable Waters Permit application. The proposed work shall not be authorized until the Division of Water Quality has reviewed the completed application and provided the applicant with a General Permit letter of authorization. Each applicant must provide evidence to SCDHEC that all landowners immediately adjacent to the property upon which the activity is to occur have been notified of the proposed activity. Failure to provide such evidence shall preclude authorization under this General permit.

IV. **Penalties for Violation:**

Any deviation from the specifications or other terms or conditions of the General permit would constitute a violation of regulations and could result in removal of the structures or work and restoration of the waterway to its former condition and/or imposition of penalties as provided by law.

V. **Revocation of General Permit:**

This General Permit may be withdrawn by issuance of a public notice at any time SCDHEC determines that the singular or cumulative effects of the activities authorized herein have an adverse effect on the public interest. Following such revocation, any future activities in areas covered by this General Permit will be processed as individual permits.

VI. **Duration of the General Permit:**

This permit will cover activities started within five (5) years and completed within six (6) years after the date of issuance unless this permit is revoked in the interim. A revocation of the General permit will not affect the work that had been authorized when the General Permit was in effect. If this General Permit expires prior to SCDHEC's issuance of the replacement General Permit, then the current General Permit will remain in effect until a new one is issued.

This General Permit shall become effective on the date signed by the SCDHEC.

By Authority of the South Carolina Department of Health and Environmental Control

Signature

Date

Title